

Nanette S. Edwards, *Executive Director*



C. LESSIE HAMMONDS
Counsel for ORS

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

August 9, 2021

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Petition of the South Carolina Office of Regulatory Staff for the Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity for Certain Providers of the Telecommunications Services Should Not Be Revoked

Docket No: 2021- -C

Dear Ms. Boyd:

Attached for filing in your office is the Petition of the South Carolina Office of Regulatory Staff for a Rule to Show Cause pertaining to the above matter.

Please advise should you have any questions.

Sincerely,

C. Lessie Hammonds

cc: All Parties of Record (via U.S. mail)
David Butler, Esquire (via electronic mail)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021- - C**

IN RE: Petition of the South Carolina Office of Regulatory Staff for the Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity for Certain Providers of the Telecommunications Services Should Not Be Revoked)
) **PETITION OF THE SOUTH**
) **CAROLINA OFFICE OF**
) **REGULATORY STAFF FOR**
) **A RULE TO SHOW CAUSE**
)

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission") that:

1. The Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 et seq. (Supp. 2019).
2. ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2019).
3. The Telecommunications Companies ("Companies") listed in Petition Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. § 58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones. Petition Exhibit A includes wireless carriers which received ETC designation in South Carolina and agreed through a Stipulation¹ to file certain reports with the Commission and/or ORS.

1) Stipulation between IM Telecom LLC dba Infiniti Mobile and the Office of Regulatory Staff – Docket No. 2016-279-C – Exhibit A, Page 4- Paragraph 15.

4. The Companies listed in Petition Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (2015). Further, they have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity and/or having requested and received eligible telecommunications carrier designation in the State of South Carolina pursuant to federal and state requirements.

5. The Companies listed in Column A on Petition Exhibit A upon receiving their Certificates of Public Convenience and Necessity or designation as an Eligible Telecommunications Carriers (ETC), were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2019) and CFR Section 54.201 (h).

6. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2019), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the State Regulation of Public Utilities Review Committee and ORS.

7. The Companies listed in Petition Exhibit A with an "X" listed in Column B have failed to submit the requisite Gross Receipts Reports. The companies are required to submit their Gross Receipts Report to the Office of Regulatory Staff on August 31st annually.

8. The Commission payphone service provider ("PSP") guidelines approved in Order No. 97-850 and modified by Order No. 98-761, requires each PSP to file annual reporting requirements by April 1 of each year.

9. Gross Receipts Fees are billed to the carriers by the Department of Revenue on or before July 1st each year. The Gross Receipts Fees are based on the Gross Receipts Reports filed on August 31 of the prior year. Payment of these fees are due on July 15th. Periodic reports are provided to the Office of Regulatory Staff by the Department of Revenue indicating which carriers have not paid.

10. The companies listed in Petition Exhibit A with an "X" listed in Column C have authority to operate in the State of South Carolina and have not paid Gross Receipts Fees assessed pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, and 58-4-60. (Supp. 2019).

11. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2014).

12. The Companies listed in Petition Exhibit A with an "X" listed in Column D have failed to submit the requisite 2020 Annual Telecommunications Report that was due on April 1, 2021.

13. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2014).

14. The Commission USF guidelines originally approved in Order No. 2001-996 and modified by Order No. 2016-756, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. This annual filing is referred to as the South Carolina Universal Service Fund Contribution Worksheet ("USF Worksheet").

15. The Companies listed in Petition Exhibit A with an "X" listed in Column E have failed to submit the requisite USF Worksheet which was due on August 1, 2020.

16. The Companies listed in Petition Exhibit A with an "X" listed in Column F have failed to obtain customer authorization for change of utility provider service.

17. Customer authorization must be obtained prior to a utility's submission of a change request for a customer's utility service. S.C. Code Ann. § 58-3-230.

18. The Companies listed in Petition Exhibit A with "X" listed in Column G have failed to respond to ORS regarding consumer complaints.

19. The Company is required to respond to ORS for complaint matters within ten (10) days from the day the complaint conveyed by ORS is received by the utility. 10 S.C. Code Regs. 103-628.

20. The Company failed to respond to requests and inquiries from ORS regarding consumer complaints within ten (10) days from the date received (enter date) by the Company. See Petition Exhibit B, Affidavit of Chad Campbell.

21. Commission Orders require that Companies maintain an authorized utility representative who is prepared to discuss customer complaint matters. Commission Order No. 2019-493 in Docket No. 2019-100-C, at p. 10. *Application of City Communications, Incorporated for a Certificate of Public Convenience and Necessity*.

22. The information for the business entities listed in Petition Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Petition Exhibit C, Affidavit of Kari Munn.

23. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2014).

24. Pursuant to S.C. Code Ann. § 58-9-1120 (Supp. 2014), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Petition Exhibit A to this Petition.

2. For the persons and business entities listed in Petition Exhibit A pursuant to 10 S.C. Code Regs. 103-830 (Supp. 2014), cause a copy of this petition to be served upon such named respondents or other proper person or entity.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.

4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate issued pursuant to S.C. Code Ann. § 58-9-820 (Supp. 2014) or the Eligible Telecommunications Carriers designation.
5. Find that the Companies listed in Petition Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates or suspending the ETC designation of the carriers listed in Petition Exhibit A.
7. Take other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803) 737-0803
lhammonds@ors.sc.gov

August 9, 2021

PETITION EXHIBIT A
8/8/2021

OUT OF COMPLIANCE TELEPHONE UTILITIES

(An X indicates the report or payment was not received by the Office of Regulatory Staff or DOR)

Company	Gross Receipts Report	Gross Receipt Payment	Annual Report Filing	USF Worksheet	SLicensing	Failure to Respond	Certificate Type	Address	Certificate Docket	Order Granting Authority	Standing w/ Secretary of State	Registered Agent
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
American Telecommunications Systems, Inc.			X	X			IXC	107 W Michigan Ave 4 th Floor, Kalamazoo, MI 49007	1997-66-C	1997-652	Good Standing	B. Alston Moore Jr. 3 Exchange St Charleston, SC 29401
City Communications Inc			X		X	X	CLEC & IXC	300 Village Center Dr Ste 100A, Woodstock, GA 30188	2016-100-C	2019-493	Forfeited	InCorp Services Inc. 317 Ruth Vista Rd Lexington, SC 29073
Georgia Business Net	X		X				CLEC & IXC	PO Box 211006, Augusta, GA 30917	2009-500-C	2010-249	Good Standing	Samuel B. Hardy III 9 Fox Creek Dr. North Augusta, SC 29860
IM Telecom LLC dba Infinity Mobile			X				Wireless ETC	13601 Preston Rd, Ste 816E, Dallas, TX 75240	2016-279-C	2016-795	Good Standing	InCorp Services Inc. 317 Ruth Vista Rd Lexington, SC 29073
Infinity Networks, Inc	X						PSP	309 East Mark St, Marksville, LA 71351	2013-421-C	2016-425	Good Standing	CT Corporation 2 Office Park Ct, Ste 103 Columbia, SC 29223
Jaroth Inc dba Pacific Tele management Service	X						PSP	2001 Crow Canyon Rd, Ste 201, San Ramon, CA 94583	1985-150-C	2002-570	Forfeited	CT Corporation 2 Office Park Ct, Ste 103 Columbia, SC 29223
NetworkIP, LLC dba Elite Telecom			X				CLEC & IXC	119 W. Tyler St, Ste 100, Longview, TX 75601	2001-135-C	2001-688	Good Standing	Corporate Service Company 508 Meeting St West Columbia, SC 29169
Ocean Terminal Corp. Com-Tech Division	X						PSP	PO Box 182, Mt. Pleasant, SC 29464	1985-150-C	1997-61	Forfeited	
Opex Communications Inc dba TCI Long Distance			X	X			IXC	3777 Long Beach Blvd, Ste 400, Long Beach, CA 90807	1988-471-C	1989-142	Forfeited	CT Corporation System 2 Office Park Ct, Ste 103 Columbia, SC 29223
Payphone Partners, Inc	X						PSP	2520 Sardis Rd N, Ste 100, Charlotte, NC 28227	1985-150-C	1989-586	Good Standing	Tony Qwendine 2640 Goldeneye Ridge Sumter, SC 29150
Total Holdings, Inc dba GTC Communications	X		X	X			IXC	3777 Long Beach Blvd, Ste 400, Long Beach, CA 90807	2008-440-C	2009-371	Forfeited	CT Corporation System 2 Office Park Ct, Ste 103 Columbia, SC 29223
Toughstone Communications			X				IXC	16 South Jefferson Rd, Whippany, NJ 07981	2002-364-C	2003-139	Good Standing	Cogency Global Inc. 2 Office Park Ct, Ste 103 Columbia, SC 29223

PETITION EXHIBIT B

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____**

August 9, 2021

IN RE: Petition of the Office of Regulatory)	
Staff for Commission to Order a)	
Rule to Show Cause as to Why)	
The Certificates of)	AFFIDAVIT OF Chad Campbell
Public Convenience and)	
Necessity for Certain Providers of)	
Telecommunications Services)	
Should Not be Revoked)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Chad Campbell and I am employed by the Office of Regulatory Staff ("ORS") as Consumer Services Manager.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) On June 30, 2021, ORS Consumer Services received a consumer complaint against City Communications, Inc. The complaint regarded an unauthorized switch of local telephone service, initial invoice, and continued billing. I initiated an investigation and made four (4) attempts to contact City Communications, Inc's Customer Relations and Complaints Representative via telephone on July 1, 2021. I received no response. Voicemail messages were left with my contact information. The contact number I used to reach out to City Communications, Inc. was based on a review of Company's most recent Authorized Utility Representative Form

PETITION EXHIBIT B

filed at the Public Service Commission on February 1, 2021. On July 2, 2021, I sent a certified letter to City Communications, Inc.'s General Manager detailing the consumer complaint and requesting a response by July 12, 2021. The mailing address I used for City Communications, Inc. was based on a review of Company's most recent Authorized Utility Representative Form filed at the Public Service Commission on February 1, 2021.

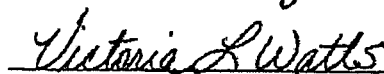
- 4) As of today's date, City Communications, Inc. has not provided ORS a response.

AND FURTHER THE AFFIANT SAYETH NOT.



Chad Campbell
Consumer Services, Manager
Office of Regulatory Staff
 1401 Main Street, Suite 900
 Columbia, South Carolina 29201

Sworn and subscribed before me
 this 9th day of August, 2021


 Notary Public for South Carolina
 My Commission Expires: 10/16/23

PETITION EXHIBIT C

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____

August 9, 2021

IN RE: Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why The Certificates of Public Convenience and Necessity for Certain Providers of Telecommunications Services Should Not be Revoked))))))))	AFFIDAVIT OF Kari Munn
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The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Kari Munn, and I am employed by the Office of Regulatory Staff ("ORS") as the Telecommunications Senior Manager.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Petition Exhibit A of this Petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Petition Exhibit A are accurate.
- 5) It is the regular practice of ORS to maintain certain business records

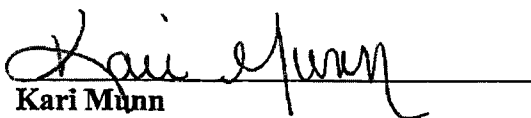
PETITION EXHIBIT C

required to be filed by telecommunication carriers that are subject to the jurisdiction of the
PSC.

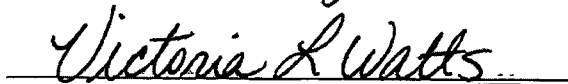
6) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS as required by state statutes and regulations.

7) On August 9, 2021, I examined the business records on file with ORS. I attest that the required filings and/or responses listed in Petition Exhibit A of this Petition are delinquent.

AND FURTHER THE AFFIANT SAYETH NOT.


Kari Munn
Senior Manager
Telecommunications
Office of Regulatory Staff
 1401 Main Street, Suite 900
 Columbia, South Carolina 29201

Sworn and subscribed before me,
 this 9th day of August, 2021.


 Notary Public for South Carolina
 My Commission Expires: 10/16/23

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

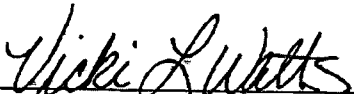
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IN RE: Petition of the South Carolina Office of
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a Rule to Show Cause as to Why the
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CERTIFICATE OF SERVICE

This is to certify that I, Vicki L. Watts, have this date served one (1) copy of **PETITION OF THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be mailed by the United States Postal Service.

SEE ATTACHED EXHIBIT A


Vicki L. Watts

July 9, 2021
Columbia, South Carolina

OUT OF COMPLIANCE TELEPHONE UTILITIES

(An X indicates the report or payment was not received by the Office of Regulatory Staff or DOR)

Company Column A	Gross Receipt Report Column B	Gross Receipts Payment Column C	Annual Report Filing Column D	Universal Service Fund Worksheet Column E	Slamming Column F	Failure to Respond Column G	Certificate Type Column H	Address Column I	Certification Docket Column J	Order Granting Authority Column K	Standing with Secretary of State Column L	Registered Agent Column M
American Telecommunications Systems, Inc.			X	X			IXC	107 W Michigan Ave, 4 th Floor Kalamazoo, MI 49007	1997-66-C	1997-652	Good Standing	B. Allston Moore Jr. 5 Exchange St Charleston, SC 29401
City Communications Inc			X		X	X	CLEC & IXC	300 Village Center Dr. Ste 1103 Woodstock, GA 30188	2019-100-C	2019-493	Forfeited	InCorp Services Inc. 317 Ruth Vista Rd Lexington, SC 29073
Georgia Business Net	X		X				CLEC & IXC	PO Box 211006 Augusta, GA 30917	2009-500-C	2010-249	Good Standing	Samuel B. Hardy III 9 Fox Creek Dr. North Augusta, SC 29860
IM Telecom LLC dba Infiti Mobile			X				Wireless ETC	13601 Preston Rd, Ste 816E Dallas, TX 75240	2016-279-C	2016-795	Good Standing	InCorp Services Inc. 317 Ruth Vista Rd

OUT OF COMPLIANCE TELEPHONE UTILITIES

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Infinity Networks, Inc	X									PSP	309 East Mark St Marksville, LA 71351	2013-421-C	2016-425	Good Standing	Lexington, SC 29073 2 Office Park Ct Ste 103 Columbia, SC 29223
Jarothe Inc dba Pacific Tele management Service	X									PSP	2001 Crow Canyon Rd, Ste 201 San Ramon, CA 94583	1985-150-C	2002-570	Forfeited	CT Corporation 2 Office Park Ct. Ste 103 Columbia, SC 29223
NetworkIP, LLC dba Elite Telecom							X			CLEC & IXC	119 W. Tyler St, Ste 100 Longview, TX 75601	2001-135-C	2001-688	Good Standing	Corporation Service Company 508 Meeting St West Columbia, SC 29169
Ocean Terminal Corp, Com-Tech Division	X									PSP	PO Box 182 Mt Pleasant, SC 29464	1985-150-C	1997-61	Forfeited	
Opex Communications Inc dba TCI Long Distance							X		X	IXC	3777 Long Beach Blvd, Ste 400 Long Beach, CA 90807	1998-471-C	1999-142	Forfeited	CT Corporation System 2 Office Park Ct, Ste 103 Columbia, SC 29223

OUT OF COMPLIANCE TELEPHONE UTILITIES

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Total Holdings, Inc dba GTC Communications	X				X	X	X	IXC	3777 Long Beach Blvd, Ste 400 Long Beach, CA 90807	2008-440-C	2009-171	Forfeited	CT Corporation System 2 Office Park Ct, Ste 103 Columbia, SC 29223
Touchtone Communications						X		IXC	16 South Jefferson Rd Whippany, NJ 07981	2002-364-C	2009-139	Good Standing	Cogency Global Inc. 2 Office Park Ct, Ste 103 Columbia, SC 29223